

Introduced by Senator Corbett

February 23, 2007

An act to add Section 22979.55 to the Business and Professions Code, relating to tobacco manufacturers and importers.

LEGISLATIVE COUNSEL'S DIGEST

SB 950, as introduced, Corbett. Tobacco manufacturers and importers: report.

Existing law, the California Cigarette and Tobacco Products Licensing Act of 2003, provides for the licensure by the State Board of Equalization of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California. That act prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling cigarette and tobacco products unless they are licensed, and requires manufacturers and importers of cigarettes to comply with prescribed reporting requirements, including compliance with federal requirement to report ingredients added to cigarettes. A violation of these provisions is a crime.

This bill would, with certain exceptions, require each manufacturer and each importer of cigarettes and tobacco products subject to licensing to provide the board and the State Department of Public Health with an annual report of ingredients and would require the State Department of Public Health to disclose the information to the public if it finds that there is a reasonable scientific basis for concluding that public availability of the information could reduce the risks to the public health, and if the Attorney General opines that the release would not constitute a taking of property that constitutionally would require compensation. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22979.55 is added to the Business and
2 Professions Code, to read:

3 22979.55. (a) Each manufacturer and each importer of
4 cigarettes and tobacco products subject to licensing under this
5 chapter shall provide the board and the State Department of Public
6 Health with an annual report, in a form and at a time specified by
7 the board, that sets forth for each brand of product sold, both of
8 the following information:

9 (1) The identity of any added ingredient in descending order
10 according to weight, measure, or numerical count. This paragraph
11 does not apply to any of the following:

12 (A) Added water.

13 (B) Added tobacco.

14 (C) Added reconstituted tobacco sheet made wholly of tobacco.

15 (D) Any ingredient that has been approved by the federal Food
16 and Drug Administration as safe, or generally recognized as safe,
17 when burned or inhaled.

18 (2) The nicotine yield ratings. The ratings shall be based upon
19 standards established by the State Department of Public Health to
20 accurately predict nicotine intake for average consumers.

21 (b) All information contained in the report for which the State
22 Department of Public Health determines there is a reasonable
23 scientific basis for concluding that public availability of the
24 information could reduce the risks to the public health, the
25 department shall disclose to the public in compliance with
26 subdivision (c).

27 (c) Prior to public disclosure of the information pursuant to
28 subdivision (b), the department shall seek the opinion of the
29 Attorney General regarding whether the disclosure would constitute

1 a taking of property for which just compensation would be
2 constitutionally required.

3 (1) If the Attorney General opines that public disclosure of the
4 information would not constitute a taking requiring compensation,
5 the information is hereby deemed to be a public record and it shall
6 be released to the public.

7 (2) If the Attorney General opines that public disclosure of the
8 information would constitute a taking requiring compensation, the
9 information is hereby deemed to be confidential and it shall not
10 be released to the public.

11 (d) The requirements set forth in this section are additional to,
12 and separate from, any federal reporting requirements set forth in
13 Section 1335a of Title 42 of the United States Code. Compliance
14 with the federal ingredients reporting provisions does not satisfy
15 the requirements of this section.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.